

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
DEL RIO DIVISION**

FILED

NOV 15 2023

CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY dx DEPUTY CLERK

**THE STATE OF TEXAS,  
Plaintiff,**

V.

**U.S. DEPARTMENT OF HOMELAND SECURITY, ALEJANDRO MAYORKAS, in his official capacity as Secretary of the U.S. Department of Homeland Security, U.S. CUSTOMS & BORDER PROTECTION, U.S. BORDER PATROL, TROY A. MILLER, in his official capacity as Acting Commissioner for U.S. Customs & Border Protection, JASON OWENS, in his official capacity as Chief of U.S. Border Patrol, and JUAN BERNAL, in his official capacity as Acting Chief Patrol Agent, Del Rio Sector U.S. Border Patrol.**

### Defendants.

**Civil Action No. DR-23-CV-00055-AM**

## **ORDER**

It is **ORDERED** that the second preliminary injunction hearing shall be tentatively held on November 27, 2023 at 9:30 a.m. to discuss all pending issues, including matters raised in the November 9, 2023 order of this Court;

It is **FURTHER ORDERED**, as stated in the November 9, 2023 order of this Court, that the parties at the second hearing be joined by individuals with authority to answer and give final consent on any matter;

It is **FURTHER ORDERED** that the parties file their supplemental briefs by November 27, 2023 at 9:30 a.m.;

It is **FURTHER ORDERED** that the November 9, 2023 order of this Court shall not be modified except to order that all document production cover March 6, 2021 inclusive to November 9, 2023 inclusive, thereby granting in part and denying in part the Defendants' motion (ECF No. 38);

It is **FURTHER ORDERED**, for the parties' understanding, that the Court orders document production because the Court does not wish to presume one way or another about the evidence; because of testimony of one of the Defendants' witnesses at the November 7, 2023 preliminary injunction hearing; and because the Court cannot decide this motion without the ordered documents;

It is **FURTHER ORDERED** that the parties tentatively have until November 21, 2023 at 12 p.m. to produce the documents that the Court ordered on November 9, 2023 to be produced, as modified by this order, through a virtual link that the Court shall send to the parties;

It is **FURTHER ORDERED** that, because the parties are amenable to a second hearing on November 27, 2023, the Court shall hold a virtual conference with the parties on either November 16, 17, 20, or 21, 2023, to discuss allowing the Defendants more time to produce documents, extending the temporary restraining order, and rescheduling the second hearing; and

It is **FURTHER ORDERED** that the parties consult each other to identify mutually convenient dates and times for the virtual conference, and to inform the Court of same as soon as possible.

SIGNED and ENTERED on this 15th day of November 2023.



ALIA MOSES  
Chief United States District Judge